

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

S.B., a minor student, by and through his parents,)
M.B. and L.H. *et al.*,)

Plaintiffs,)

v.)

No. 3:21-CV-00317-JRG-DCP

GOVERNOR BILL LEE, in his official capacity)
as Governor of Tennessee, and KNOX COUNTY)
BOARD OF EDUCATION,)

Defendants.)

ORDER

This matter is before the Court on the parties' Joint Motion to Modify Mask Mandate During Sixty Day Negotiation Period [Doc. 123], in which the parties move the Court to lift the mask mandate pending the outcome of mediation. "[A] court which issues an injunction retains jurisdiction to modify the terms of the injunction if a change in circumstances so requires," *Deja Vu of Nashville, Inc. v. Metro. Gov't of Nashville & Davison Cty.*, 466 F.3d 391, 395 (6th Cir. 2006) (quoting *Nicacio v. INS*, 797 F.2d 700, 706 (9th Cir. 1985)), even when a party files an interlocutory appeal, Fed. R. Civ. P. 62(d). The parties' joint request for modification of the Court's preliminary injunction is consistent with the Centers for Disease Control's current guidance, which now states that mask-wearing should be a matter of "personal preference" in communities where the risk of transmission of COVID-19 is low. Ctrs. for Disease Control & Prevention, *COVID-19: Use and Care of Masks*, <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/about-face-coverings.html> (last updated Feb. 25, 2022). The CDC currently identifies the risk of transmission as low in Knox County. *Id.*

The parties' joint motion [Doc. 123] is therefore **GRANTED**, and the Court's mask mandate in all Knox County Schools is hereby **LIFTED** until the conclusion of mediation. If circumstances change between now and the conclusion of mediation, Plaintiffs may move to reinstate the preliminary injunction or seek a modified preliminary injunction.

So ordered.

ENTER:

s/J. RONNIE GREER
UNITED STATES DISTRICT JUDGE